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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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9 **DARRELL T. COKER, SR.; ART &
JEWELRY HOUSE, LLC,**

2:13-cv-0994-JCM-NJK

10 Plaintiff,

ORDER

11 vs.

Joint Motion to Stay Proceedings (#9)

12 **ROGER DOWD,**

13 Defendant.
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15 Before the Court is the parties' Joint Motion for Stay of All Proceedings. Docket No. 9.

16 **DISCUSSION**

17 The Court has inherent power to control its docket, including the discretion to stay
18 proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). The determination of whether
19 to stay proceedings is best determined by weighing the competing interests of the parties and of
20 the Court. *Id.*

21 "Among those competing interests are the possible damage which may result from the
22 granting of a stay, the hardship or inequity which a party may suffer in being required to
23 go forward, and the orderly course of justice measured in terms of the simplifying or
complicating of issues, proof, and questions of law which could be expected to result
from a stay."

24 *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005); citing *Landis*, 299 U.S. at 268.

25 Here, the parties seek a 60-day stay - until September 9, 2013 - of all proceedings.
26 According to the parties, a stay will help facilitate ongoing settlement negotiations and permit the
27 parties to mediate not only this action, but also a second closely-related action in a global
28 settlement. The second action is a State Court Action filed on July 2, 2013. That Action is

1 subject to removal and the parties anticipate that if this dispute is not resolved in mediation, the
2 State Court Action will be removed and consolidated with the instant action. Additionally, the
3 parties believe that keeping the current deadlines established by the Court under the Rules and
4 engaging in discovery at this time will be counterproductive to the settlement efforts. Finally, the
5 parties assert, a stay will facilitate settlement by allowing the parties to avoid unnecessary costs.

6 Having weighed the competing interests, the Court finds that staying the proceedings
7 until September 9, 2013, is appropriate. The parties have shown that they will be prejudiced if
8 this case is required to move forward at this time and, additionally, that a stay will potentially
9 prevent an unnecessary complication in this case. Accordingly, the Court grants the parties' joint
10 request for a stay.

11 **CONCLUSION**

12 Based on the foregoing, and good cause appearing therefore,

13 IT IS ORDERED that the Joint Motion for Stay of All Proceedings (#9) is **GRANTED**.

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15 DATED this 8th day of July, 2013.

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19 NANCY J. KOPPE
20 United States Magistrate Judge
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